

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF E-FILING

I hereby certify that this correspondence has been electronically filed with the U.S. Patent and Trademark Office via the EFS Web on October 26, 2006.

Joseph M. Rolnicki  
Joseph M. Rolnicki  
Reg. No. 32,653

In re Application of: Auld et al.	:	
	:	Examiner: Not yet assigned
Serial No. 10/586,018	:	
	:	Group Art Unit: Not yet assigned
Filed: November 15, 2004	:	
	:	
For: SURGICAL INSTRUMENT	:	
HANDLE WITH ADJUSTABLE	:	
ACTUATOR POSITION	:	

**RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371**  
**IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

In response to the Notice of Missing Requirements Under 35 U.S.C. 371 mailed on September 18, 2006, enclosed herewith for filing are the following documents:

- ☒ A copy of the Notification. **(REQUIRED)**
- ☒ An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date.
- ☒ A Statement Under 37 CFR 3.73(b) with a copy of the executed Assignment.
- ☒ A Power of Attorney and Correspondence Address Indication Form.

The \$65.00 surcharge fee is included.

Please file said Missing Requirements.

Respectfully submitted,  
**Thompson Coburn LLP**

By: Joseph M. Rolnicki  
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## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/586,018	Gregg D Scheller	54084-62559

INTERNATIONAL APPLICATION NO.	
PCT/US04/38175	
I.A. FILING DATE	PRIORITY DATE
11/15/2004	11/13/2003

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CONFIRMATION NO. 9316

371 FORMALITIES LETTER



\*OC000000020472802\*

Date Mailed: 09/18/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 07/14/2006
- Copy of the International Search Report filed on 07/14/2006
- U.S. Basic National Fees filed on 07/14/2006
- Priority Documents filed on 07/14/2006

DOCKETED

SEP 22 2006

Thompson Coburn LLP

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$65** for a Small Entity:

- \$65 Surcharge.

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SEP 22 2006

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**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION,**

**WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

SHAKEEL AHMED

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**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/586,018	PCT/US04/38175	54084-62559

FORM PCT/DO/EO/905 (371 Formalities Notice)